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provide a Notice and Acknowledgement of Pay rate and Payday at hiring for security guards hired on or after April 9, 2011. (ECF Nos. 1, 169.) After a jury trial on the question of liability, the defendants were found liable on all claims on August 19, 2016. (*See* ECF No. 208.) The parties engaged in settlement negotiations on damages, and on April 10, 2017, informed the Court that they had reached a settlement in principle in satisfaction of all class claims.

On June 12, 2017, the plaintiffs filed an unopposed motion before this Court seeking approval of the parties' settlement agreement, provisional certification of class and collective action,¹ approval of the parties' proposed notice and claims release form, and appointment of class counsel. (ECF No. 228.) The parties appeared at a preliminary hearing on April 26, 2018. On April 27, 2018, the Court proposed a revised notice and claim form (ECF No. 234), and the parties provided joint comments to the revised notice on May 11, 2018. (ECF No. 235.) On July 2, 2018, the Court preliminarily approved: (1) the parties' settlement agreement and release; (2) the following class definition for the FLSA collective action: all persons who were employed by Peak Security, in the State of New York as Security Guards for any period between January 28, 2007 and August 19, 2016; (3) the following class definition for a Rule 23 class action: all persons who were employed by Peak Security, in the State of New York as Security Guards for any period between January 28, 2007 and August 19, 2016; (4) the parties' notice and claim form; and (5) the Law Office of Lipsky Lowe LLP as class counsel. (ECF No. 236.)

After the Court granted preliminary approval of the settlement agreement, on August 2, 2018, the claims administrator, Optime Administration, LLC, served 508 settlement class members with the approved notice and claim form. (ECF No. 241 ¶ 4.) Of the 508 notice packets

¹ On April 26, 2018, the parties also confirmed that they sought provisional certification of a collective action pursuant to 29 U.S.C. § 216(b) in addition to provisional certification of a class action pursuant to Federal Rule of Civil Procedure 23(b)(3).

that were sent, 324 packets were returned as undeliverable. (*Id.* ¶ 5.) Optime Administration located updated addresses for 188 of the 324 packets that were returned. (*Id.*) As a result, a total of 372 class members received notice packets, about 74% of the settlement class members. (*See id.*; ECF No. 239 at 8.)

As of November 20, 2018, 50 class members, or about 10% of the entire settlement class, submitted timely and valid claim forms. (ECF No. 241 ¶ 6.) Overall, the sums to be paid out of the settlement fund, which provided for up to \$200,000, includes: (1) attorneys' fees and costs of \$73,916.67; (2) service awards of \$28,750.00; and (3) administration costs of \$11,147.00, resulting in a total payment of \$113,813.67. (ECF No. 243 at 16; ECF No. 245 at 11.)

As of November 20, 2018, Optime Administration has received one request for exclusion from the settlement and no objections to the settlement. (ECF No. 241 ¶ 6.) The Court held a final fairness hearing on December 6, 2018. No objectors appeared at the hearing.

CONCLUSION

Having considered the relevant standards and law, the Court:

(1) Finally certifies the following settlement class: All persons who were employed by Peak Security, in the State of New York as Security Guards for any period between January 28, 2007 and August 19, 2016;

(2) Approves the class action and FLSA settlement memorialized in the Class Action Settlement Agreement and Release (ECF No. 240 at 12–56), as it is fair, reasonable, adequate, and in the best interests of the class members;

(3) Approves the following service awards to the plaintiffs: (a) \$7,000 for Paul Chime; (b) \$4,500 for Demilade Elutilo; (c) \$3,000 for Umar Abdulkhabir; (d) \$3,000 for Osagie Egharevba; (e) \$1,875 for Akinde Akintunde; (f) \$1,875 for Joseph Alenze; (g) \$1,875 for Mfon

Akpan; (h) \$1,875 for Abiodun Bello; (i) \$1,875 for Morufu Ganiyu; and (j) \$1,875 for Paul Kyree; and

(4) Approves \$73,916.67 in attorney's fees and costs to Class Counsel, Lipsky Lowe LLP.

The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: December 13, 2018
Brooklyn, New York